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(3-28 November 2014)

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Note

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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Summary

The present annual report covers the period from 24 May 2014 to 15 May 2015, during which the Committee against Torture held its fifty-third and fifty-fourth sessions. As at 15 May 2015 there were 158 States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

During the period under review, the Committee considered, and adopted concluding observations on, 16 State party reports submitted under article 19 of the Convention. At its fifty-third session it considered the reports of Australia, Burundi, Croatia, Kazakhstan, Sweden, Ukraine, the United States of America and the Bolivarian Republic of Venezuela; at its fifty-fourth session it considered the reports of Colombia, the Congo, Luxembourg, New Zealand, Romania, Serbia, Spain and the former Yugoslav Republic of Macedonia (see chap. III).

The Committee deplores the fact that that some States parties do not comply with their reporting obligations under article 19 of the Convention. At the time of reporting, there were 28 States parties with overdue initial reports and 37 States parties with overdue periodic reports (see chap. II).

The Committee's procedure for following up on concluding observations continued to develop during the reporting period (see chap. IV). The Committee expresses its appreciation to those States parties that have provided timely and thorough follow-up information.

The Committee's procedure under article 20 continued during the reporting period (see chap. V).

Under article 22 of the Convention, the Committee adopted 25 decisions on the merits and declared 1 communication inadmissible. Consideration of complaints was discontinued in 31 cases (see chap. VI). A total of 679 complaints have been registered since the entry into force of the Convention, including 75 since the writing of the previous report.

The Committee's workload under article 22 continues to grow, as demonstrated by the large number of complaints registered during the reporting period. At the end of the fifty-fourth session, 148 complaints were pending consideration (see chap. VI).

The Committee again notes that some States have failed to implement the decisions adopted on complaints. It has continued to seek to ensure implementation of its decisions through its rapporteurs for follow-up to article 22 (see chap. VI).

The Committee marked the thirtieth anniversary of the Convention, which was celebrated in the context of the Convention against Torture Initiative, a 10-year initiative to promote universal ratification of the Convention and its full implementation (see sect. I.M).

The Committee held a retreat on its working methods, which led to important decisions under its main core activities (see sect. I.N).

The Committee reaffirmed its support for the treaty body strengthening outcome while stressing the necessity to allocate sufficient staff resources so as to enable the Committee to address its backlog of individual complaints and therefore efficiently use the additional time of session provided under General Assembly resolution 68/268.

[5 August 2015]

Contents

Chapter		*Page*
I.	Organizational and other matters	6
	A. States parties to the Convention	6
	B. Sessions and agendas of the Committee	6
	C. Membership, officers and mandates	6
	D. Participation of Committee members in other meetings	6
	E. Oral report of the Chair to the General Assembly	7
	F. Activities of the Committee in connection with the Optional Protocol to the Convention	7
	G. Joint statement on the occasion of the United Nations International Day in Support of Victims of Torture and cooperation with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture	8
	H. Informal meeting with the States parties to the Convention	8
	I. Participation of non-governmental organizations	8
	J. Participation of national human rights institutions and national preventive mechanisms	9
	K. Rapporteurs on reprisals	9
	L. Treaty body strengthening process	9
	M. Thirtieth anniversary of the Convention	10
	N. Retreat on the working methods of the Committee	10
II.	Submission of reports by States parties under article 19 of the Convention	11
	A. Invitation to submit periodic reports	12
	B. Simplified reporting procedure	12
	C. Preliminary evaluation of the simplified reporting procedure	13
	D. Reminders for overdue initial and periodic reports	13
	E. Examination of measures taken by a State party in the absence of a report	13
III.	Consideration of reports submitted by States parties under article 19 of the Convention	14
IV.	Follow-up to concluding observations on States parties' reports	15
V.	Activities of the Committee under article 20 of the Convention	17
	A. General information	17
	B. Proceedings concerning the confidential inquiry on Lebanon	18

VI. Consideration of complaints under article 22 of the Convention ... 18
A. Introduction ... 18
B. Interim measures of protection ... 19
C. Progress of work ... 19
D. Follow-up activities ... 21
VII. Future meetings of the Committee ... 22
VIII. Additional meeting time from 2015 ... 22
IX. Adoption of the annual report of the Committee on its activities ... 23
Annex
Membership, officers and mandates as at 15 May 2015 ... 24

I. Organizational and other matters

A. States parties to the Convention

1. As at 15 May 2015, the closing date of the fifty-fourth session of the Committee against Torture, there were 158 States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Convention was adopted by the General Assembly in its resolution 39/46 and entered into force on 26 June 1987.

2. Since the previous report, Eritrea and South Sudan have acceded to, and Viet Nam has ratified, the Convention. The Committee calls upon all States that have not ratified the Convention to do so, and calls upon those that are already a party to accept all the procedures of the Convention, in order to enable the Committee to fulfil all aspects of its mandate.

3. All information on the status of the treaty, including declarations under articles 20, 21 and 22 and reservations and objections made by States parties with respect to the Convention, can be found at http://treaties.un.org.

B. Sessions and agendas of the Committee

4. The Committee has held two sessions since the adoption of its previous annual report. The fifty-third session (1250th to 1289th meetings) was held from 3 to 28 November 2014, and the fifty-fourth session (1290th to 1327th meetings) from 20 April to 15 May 2015. Sessions were held at the United Nations Office at Geneva.

5. At its 1250th meeting, held on 3 November 2014, the Committee adopted the items listed in the provisional agenda submitted by the Secretary-General (CAT/C/53/1) as the agenda of its fifty-third session.

6. At its 1290th meeting, on 20 April 2015, the Committee adopted the items listed in the provisional agenda submitted by the Secretary-General (CAT/C/54/1) as the agenda of its fifty-fourth session.

7. An account of the deliberations of the Committee at those two sessions is contained in the relevant summary records (CAT/C/SR.1250-1327).

C. Membership, officers and mandates

8. The membership of the Committee remained the same during the period covered by the report. The list of members, officers and mandates is contained in the annex.

D. Participation of Committee members in other meetings

9. During the period under consideration, Committee members participated in various meetings:

(a) A meeting of coordination with the Board of Trustees of the United Nations Voluntary Fund for the Victims of Torture, held on 1 October 2014 in Geneva, was attended by Alessio Bruni and Jens Modvig;

(b) An event entitled "Reflexions on the 30th anniversary of the Convention against Torture", organized by the European Commission and held Brussels on 3 December 2014, was attended by Abdoulaye Gaye;

(c) A forum on follow-up to Committee against Torture recommendations, organized by the World Organisation against Torture and held in Geneva on 6 and 7 February 2015, was attended by Mr. Bruni, Mr. Modvig and George Tugushi;

(d) An expert workshop on the provision of assistance to victims of torture in emergency contexts and in the long term and a public meeting on the right to redress and rehabilitation of victims of torture as an integral part of the fight against torture, organized by the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture and held in Geneva on 15 and 16 April 2015, were attended by Mr. Bruni.

10. In the context of the treaty body strengthening process, Felice Gaer and Claudio Grossman participated in the informal consultations of the Chairs of the human rights treaty bodies, held at Wilton Park from 16 to 18 January 2015.

E. Oral report of the Chair to the General Assembly

11. In accordance with paragraph 35 of General Assembly resolution 68/156, on 21 October 2014 the Chair of the Committee presented an oral report to and engaged in an interactive dialogue with the Assembly at its sixty-ninth session (see the Committee web page, hosted on the website of the Office of the United Nations High Commissioner for Human Rights (OHCHR), www.ohchr.org/).

F. Activities of the Committee in connection with the Optional Protocol to the Convention

12. As at 15 May 2015, there were 78 States parties to the Optional Protocol to the Convention (see http://treaties.un.org). As required by the Optional Protocol, on 19 November 2014, a joint meeting was held between the members of the Committee and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee, the Subcommittee on Prevention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment strengthened their cooperation through their active joint participation in a workshop on gender-sensitive monitoring and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the "Bangkok Rules"). This event was facilitated by Penal Reform International.

13. An additional meeting was held on 23 April 2015 between the Committee and the Chair of the Subcommittee on Prevention, at which the latter presented to the Committee the eighth public annual report of the Subcommittee (CAT/C/54/2). At the same meeting, the Committee decided to offer national preventive mechanisms established by States parties as provided for under the Optional Protocol to the Convention against Torture the possibility to have a private meeting with the whole of the Committee (see sect. I.J).

G. Joint statement on the occasion of the United Nations International Day in Support of Victims of Torture and cooperation with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture

14. The Committee adopted a joint statement with the Subcommittee on Prevention, the Special Rapporteur on torture and the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture for issuance on 26 June 2014, the United Nations International Day in Support of Victims of Torture (see the web page of the Voluntary Fund at www.ohchr.org/EN/Issues/Torture/UNVFT/Pages/IntlDay.aspx). At its fifty-fourth session, the Committee held a meeting with the Chair of the Board of Trustees of the Voluntary Fund; both reiterated their willingness to pursue their cooperation in concrete terms, namely, by disseminating widely general comment No. 3 (2012) on the implementation of article 14 by States parties (the right to redress), by reflecting systematically the right to redress in lists of issues, lists of issues prior to reporting and concluding observations and by issuing joint statements. The Committee and its secretariat, the secretariat of the Board of Trustees of the Voluntary Fund and the Special Rapporteur on torture benefited from a briefing organized by the International Rehabilitation Council for Torture Victims on the right to rehabilitation.

H. Informal meeting with the States parties to the Convention

15. At its fifty-fourth session, on 21 April 2015, the Committee held an informal meeting with States parties to the Convention, which was attended by representatives of 43 States parties. The Committee and the States parties discussed the following issues: the Convention against Torture Initiative, the achievements of and challenges faced by the Committee under its reporting and complaints procedures, the follow-up procedure to concluding observations, cooperation with United Nations and regional anti-torture mechanisms, the budget crisis of the OHCHR and its impact on treaty bodies, and the work of the Committee in relation to reprisals.

I. Participation of non-governmental organizations

16. At its fifty-fourth session, on 24 April 2015, the Committee held an informal meeting with representatives of 10 non-governmental organizations (NGOs), and discussed the following issues: the role of NGOs under the main activities of the Committee, that is, its reporting and complaints procedures, the follow-up to concluding observations, confidential inquiries under article 20 of the Convention and the drafting of general comments; the use of modern communication technologies, such as Skype and video conferences, for NGO hearings; the issue of non-reporting States; and the role of OHCHR capacity-building.

17. The Committee has long recognized the work of NGOs and has met with them in private, with interpretation, on the day immediately before the consideration of each State party report under article 19 of the Convention. The Committee expresses its appreciation to the NGOs for their participation in these meetings, and is particularly appreciative of the attendance of national NGOs which provide immediate and direct information. The Committee would like to convey special thanks to the World Organisation against Torture for its crucial role in coordinating NGO input to the Committee's work since the fifty-second session.

J. Participation of national human rights institutions and national preventive mechanisms

18. Similarly, the Committee has long recognized the work of national human rights institutions; country rapporteurs, together with any other Committee member wishing to attend, have met with the representatives of such institutions, if requested, before the consideration of each State party report under article 19 of the Convention. The Committee expresses its appreciation to the national human rights institutions for the information it receives from them, and looks forward to continuing to benefit from the information it derives from those bodies, which has enhanced its understanding of the issues before the Committee. At its fifty-fourth session, the Committee decided to offer national human rights institutions, as well as national preventive mechanisms established by States parties as provided for under the Optional Protocol to the Convention against Torture, the possibility to have a private meeting with the whole of the Committee.

K. Rapporteurs on reprisals

19. At its forty-ninth session, the Committee decided to adopt a mechanism to prevent, monitor and follow up cases of reprisal against civil society organizations, human rights defenders, victims and witnesses after their engagement with the treaty body system. It subsequently designated Mr. Tugushi as the rapporteur on reprisals under article 19 and Mr. Bruni as the rapporteur on reprisals under articles 20 and 22. At its fifty-fourth session, the Committee considered draft guidelines, prepared by both rapporteurs, in relation to reprisals, and decided that the draft guidelines would be revised and submitted by the rapporteurs for consideration at the fifty-fifth session.

20. At its fifty-third session, the Committee received information on allegations of reprisals under article 19 concerning Burundi. Letters on the allegations of reprisals were sent to the State party on 25 and 28 November 2014. Burundi sent a reply on 5 December 2014. On 13 May 2015, during its fifty-fourth session, the Committee sent to Bahrain a letter on allegations of reprisals in that State party. Information is available on the Committee against Torture web page.

L. Treaty body strengthening process

21. At its fifty-third session, the Committee discussed the implications of General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, as well as the recommendations of the twenty-seventh meeting of the chairs of the human rights treaty bodies, held in San José in June 2014. In that regard, the Committee took some decisions in relation to the simplified reporting procedure for States parties with long overdue reports, the guidance note on the dialogue, the reporting guidelines, follow-up to concluding observations and reprisals (see section I.N). The Committee reaffirmed its support for the treaty body strengthening outcome, while stressing the necessity to allocate sufficient staff resources to the Petitions Unit so as to enable the Committee to address its backlog of individual complaints and therefore efficiently use the additional session time provided under Assembly resolution 68/268.

M. Thirtieth anniversary of the Convention

22. At its fifty-third session, on 4 November 2014, the Committee celebrated the thirtieth anniversary of the Convention at the Palais des Nations, in Geneva. On that occasion, the Committee held a half-day event to be able to interact with various stakeholders with a view to promoting the universal ratification of the Convention as well as to take stock both of the ways States parties have implemented the provisions of the Convention and of the related difficulties. The event took place in the context of the Convention against Torture Initiative, a 10-year initiative to promote the universal ratification and full implementation of the Convention.

23. The celebration was divided into two panel discussions: one on promoting the universal ratification of the Convention and another on the implementation by States parties of the provisions of the Convention. In both discussions, the main constraints and challenges were identified, and examples of achievements and best practices were provided. High-level international experts gave presentations for each of the panel discussions, followed by plenary discussions.

24. The event brought together States Members of the United Nations; United Nations mechanisms, including treaty bodies and special procedures mandate holders; other intergovernmental bodies, including regional bodies; NGOs; academics; and others interested in the Convention. The United Nations High Commissioner for Human Rights opened the event, and a written message from the Secretary-General was addressed to the participants. The event received video contributions from OHCHR field offices in Guinea-Bissau, Paraguay and Uganda. The programme of the ceremony and the text of the presentations can be found on the Committee's web page.

N. Retreat on the working methods of the Committee

25. During its fifty-third session, the Committee held a two-day retreat to discuss its working methods. The programme of the retreat covered the core activities of the Committee, that is:

(a) Consideration of reports under article 19, including the current practice of the Committee and the experience of other treaty bodies, the achievements and challenges of the Committee's reporting procedure, traditional reports, the simplified reporting procedure (lists of issues prior to reporting) and reporting guidelines; preparation for the dialogue, including the format of the dialogue and guidelines; concluding observations, including follow-up to and the implementation of concluding observations; and the selection of rapporteurs and reports;

(b) Confidential inquiries under article 20, including methodological and procedural issues and follow-up;

(c) Individual communications under article 22, including rapporteurs, interim measures, follow-up and guidelines;

(d) General comments, including the methodology for the selection of topics and drafting, rapporteurs, consultation and guidelines;

(e) Other matters, including reprisals, the annual report of the Committee to the General Assembly, external activities and cooperation with other entities.

26. Following the retreat, the Committee took the following decisions:

(a) To offer the simplified reporting procedure to States parties with long overdue initial reports, to be applied to two States per year, bearing in mind the capacity of the secretariat;

(b) To adopt the guidance note for States parties on the constructive dialogue with the human rights bodies (A/69/285, annex I), put forward at the twenty-sixth meeting of the Chairs, while stressing that the note provides a general framework that should not contradict the Committee's specificities regarding the dialogue with States parties. Committee specificities will be provided orally by the secretariat during its technical briefings to States parties;

(c) To establish a working group to update the reporting guidelines on initial and periodic reports, if needed;

(d) To establish a working group to contribute to a substantive evaluation of the simplified reporting procedure, including to examine the issue of updating the lists of issues prior to reporting for which no responses have been received in two years and to improve lists of issues prior to reporting;

(e) To establish a working group on the follow-up to concluding observations to prepare a note on follow-up to concluding observations and discuss the use of indicators;

(f) To establish a working group to present a document on how to improve the contribution and participation of national human rights institutions, national preventive mechanisms and NGOs in Committee sessions;

(g) To issue a memorandum on the practical modalities and criteria for deciding to undertake visits to follow up on inquiry missions;

(h) To establish a working group on individual complaints so as to enable the Committee to fully apprehend the internal processes of the individual complaints procedure and consider any need to revise the rules of procedures;

(i) To present options for the drafting of a new general comment;

(j) To request the rapporteurs on reprisals to prepare a document on concrete actions against reprisals.

II. Submission of reports by States parties under article 19 of the Convention

27. During the period covered by the present report, 13 reports from States parties under article 19 of the Convention were submitted to the Secretary-General. Second periodic reports were submitted by Honduras, Mongolia and Saudi Arabia. Third periodic reports were submitted by Jordan, the Philippines and Tunisia. Fourth periodic reports were submitted by Azerbaijan, Liechtenstein and Turkey. A fifth periodic report was submitted by Israel. A sixth periodic report was submitted by Austria. A combined sixth and seventh periodic report was submitted by Denmark. A seventh periodic report was submitted by France.

28. As at 15 May 2015, the Committee had received a total of 377 reports and had examined 359; there were 28 States parties with overdue initial reports and 37 States parties with overdue periodic reports (see the status of reports on the Committee web page).

A. Invitation to submit periodic reports

29. Further to its decision taken at its forty-first session,[1] the Committee continued, at its fifty-third and fifty-fourth sessions, to invite States parties, in the last paragraph of the concluding observations, to submit their next periodic reports within a four-year period from the adoption of the concluding observations, and to indicate the due date of the next report in the same paragraph.

30. In addition, further to its decision taken at its forty-seventh session,[2] the Committee continued, at its fifty-third and fifty-fourth sessions, to invite States parties to accept, within one year from the adoption of their concluding observations, to report under the optional reporting procedure, or, if a State party has already accepted to report under the procedure, to indicate that the Committee will submit to the State party, in due course, a list of issues prior to the submission of its next periodic report.

B. Simplified reporting procedure

31. The Committee welcomes the fact that a high number of States parties have accepted the optional reporting procedure, which consists of the preparation and adoption of a list of issues to be transmitted to States parties prior to the submission of a State party's periodic report (known as the list of issues prior to reporting). The procedure is aimed at assisting States parties to fulfil their reporting obligations, as it strengthens the cooperation between the Committee and States parties. While the Committee understands that, since 2007, the adoption of lists of issues prior to reporting has facilitated the States parties' reporting obligations, it nonetheless wishes to emphasize that the procedure of drafting lists of issues prior to reporting has increased its workload substantially, as their preparation requires more work than the traditional lists of issues following the submission of a State party's report. This is particularly significant in a Committee with such a small membership.

32. Further to its previous decision to continue with this procedure for a new four-year reporting cycle,[3] the Committee decided, at its fifty-second session, to refer to this procedure as the simplified reporting procedure (lists of issues prior to reporting) and to continue to invite States parties to report under this procedure for their next periodic report. The Committee also sent reminders to States parties to submit their next periodic report under this procedure, in cases where the previous invitation had not been responded to.

33. At its fifty-third session, the Committee adopted lists of issues prior to reporting with regard to the States parties that had accepted the invitation to submit their next report, due in 2016, under this procedure: Armenia, Gabon, Qatar, Senegal and Togo. Those lists of issues prior to reporting were transmitted to the respective State parties.

34. At its fifty-fourth session, the Committee adopted lists of issues prior to reporting with regard to States parties that had accepted the invitation to submit their next report, due in 2017, under this procedure: Belgium, Estonia, Guatemala and Japan. It also adopted lists of issues prior reporting with regard to States parties that had recently accepted the simplified reporting procedure: Cameroon and Yemen. Furthermore, the Committee adopted an updated list of issues prior to reporting on

[1] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 44* (A/64/44), para. 26.
[2] Ibid., *Sixty-seventh Session, Supplement No. 44* (A/67/44), para. 33.
[3] Ibid., *Sixty-sixth Session, Supplement No. 44* (A/66/44), paras. 28-35.
[4] Ibid., para. 36.

Bahrain. The lists of issues prior to reporting were transmitted to the respective State parties. During the present reporting period, Ghana accepted to report under the simplified reporting procedure.

C. Preliminary evaluation of the simplified reporting procedure

35. At the retreat on its working methods, the Committee decided to offer the simplified reporting procedure to States parties with long overdue initial reports (two States per year, bearing in mind the capacity of the Secretariat). It decided also to establish a working group to contribute to a substantive evaluation of the simplified reporting procedure, including to examine the issue of updating the lists of issues prior to reporting for which no responses have been received in two years, and to improve lists of issues prior to reporting. The Committee took into account the report of the secretariat on the status of the optional reporting procedure (CAT/C/47/2) and the note by the secretariat on the simplified reporting procedure (HRI/MC/2014/4) issued following the adoption by the General Assembly of resolution 68/268.

36. In the Committee's view, the fact that only 5 of the 125 States parties that are at the periodic reporting stage declined to report under it indicates the success of this procedure; 88 have expressly accepted to report under it and the remaining 32 have not yet answered or have not yet been invited to report under it. In addition, the fact that other treaty bodies have also adopted, or are considering adopting, this procedure indicates its clear added value for the reporting system.

37. The updated information relating to the procedure is available from a dedicated web page (www.ohchr.org/EN/HRBodies/CAT/Pages/ReportingProcedures.aspx).

D. Reminders for overdue initial and periodic reports

38. At its fifty-third session, the Committee decided to send reminders to all States parties whose initial reports were overdue and to all States parties whose periodic reports were four or more years overdue.

39. The Committee drew the attention of those States parties to the fact that delays in reporting seriously hamper the implementation of the Convention in the States parties and the ability of the Committee to carry out its function of monitoring such implementation. The Committee requested information on the progress made by those States parties in fulfilling their reporting obligations and on any obstacles that they might be facing in that respect. It also informed them that, in accordance with rule 67 of its rules of procedure, the Committee might proceed with a review of the implementation of the Convention in the State party in the absence of a report, and that such review would be carried out on the basis of information that is available to the Committee, including sources from outside the United Nations.

E. Examination of measures taken by a State party in the absence of a report

40. The Committee decided at its fifty-second session to take action with regard to States parties whose initial reports were long overdue. Noting that the initial reports of Cabo Verde and Seychelles had been overdue since 1993, the Committee decided to send a specific reminder to those States parties to submit their initial reports before the fifty-fourth session of the Committee. At the end of the fifty-third session, the Committee decided to offer those States parties the simplified reporting procedure. If they do not accept the simplified reporting procedure or if reports under the traditional

reporting procedure are not received pursuant to article 67 of its rules of procedure, the Committee will conduct at a future session an examination, in the absence of a report, of the measures taken by each of those States parties to implement the provisions of the Convention in its territory.

III. Consideration of reports submitted by States parties under article 19 of the Convention

41. At its fifty-third and fifty-fourth sessions, the Committee considered reports submitted by 16 States parties under article 19 (1) of the Convention and adopted 16 sets of concluding observations.

42. The reports considered by the Committee at its fifty-third session and the concluding observations thereon are available from the Official Document System of the United Nations (http://documents.un.org) under the symbols indicated below:

State party	*Country rapporteurs*	*Report*	*Concluding observations*
Australia	Claudio Grossman Kening Zhang	Combined fourth and fifth periodic reports (CAT/C/AUS/4-5)	CAT/C/AUS/CO/4-5
Burundi	Abdoulaye Gaye Essadia Belmir	Second periodic report (CAT/C/BDI/2)	CAT/C/BDI/CO/2
Croatia	Sapana Pradhan-Malla Essadia Belmir	Combined fourth and fifth periodic reports (CAT/C/HRV/4-5)	CAT/C/HRV/CO/4-5
Kazakhstan	Felice Gaer George Tugushi	Third periodic report (CAT/C/KAZ/3)	CAT/C/KAZ/CO/3
Sweden	Satyabhoosun Gupt Domah Sapana Pradhan-Malla	Combined sixth and seventh periodic reports (CAT/C/SWE/6-7)	CAT/C/SWE/CO/6-7
Ukraine	Claudio Grossman George Tugushi	Sixth periodic report (CAT/C/UKR/6)	CAT/C/UKR/CO/6
United States of America	Alessio Bruni Jens Modvig	Combined third to fifth periodic reports (CAT/C/USA/3-5)	CAT/C/USA/CO/3-5
Venezuela (Bolivarian Republic of)	Jens Modvig Kening Zhang	Combined third to fourth periodic reports (CAT/C/VEN/3-4)	CAT/C/VEN/CO/3-4

43. The reports considered by the Committee at its fifty-fourth session and the concluding observations thereon are available from the Official Document System of the United Nations (http://documents.un.org) under the symbols indicated below:

State party	*Country rapporteurs*	*Report*	*Concluding observations*
Colombia	Jens Modvig Essadia Belmir	Fifth periodic report (CAT/C/COL/5)	CAT/C/COL/CO/5
Congo	Alessio Bruni Abdoulaye Gaye	Initial report (CAT/C/COG/1)	CAT/C/COG/CO/1
Luxembourg	Satyabhoosun Gupt Domah Alessio Bruni	Combined sixth and seventh periodic report (CAT/C/LUX/6-7)	CAT/C/LUX/CO/6-7
New Zealand	Jens Modvig Kening Zhang	Sixth periodic report (CAT/C/NZL/6)	CAT/C/NZL/CO/6
Romania	George Tugushi Essadia Belmir	Second periodic report (CAT/C/ROU/2)	CAT/C/ROU/CO/2
Serbia	George Tugushi Sapana Pradhan-Malla	Second periodic report (CAT/C/SRB/2)	CAT/C/SRB/CO/2
Spain	Claudio Grossman Abdoulaye Gaye	Sixth periodic report (CAT/C/ESP/6)	CAT/C/ESP/CO/6
The former Yugoslav Republic of Macedonia	Felice Gaer Satyabhoosun Gupt Domah	Third periodic report (CAT/C/MKD/3)	CAT/C/MKD/CO/3

44. In accordance with rule 68 of the rules of procedure of the Committee, representatives of each reporting State were invited to attend the meetings of the Committee when their report was examined. All of the States parties whose reports were considered sent representatives to participate in the examination of their respective reports. The Committee expressed its appreciation for this in its concluding observations.

45. Two country rapporteurs were designated by the Committee for each of the reports considered, as reflected in the tables above.

IV. Follow-up to concluding observations on States parties' reports

46. At its thirtieth session in May 2003, the Committee developed a procedure to provide for follow-up subsequent to the adoption of the concluding observations on reports of States parties under article 19 of the Convention.[5] The Committee has presented information in each of its annual reports thereafter, outlining its experience in receiving information on follow-up measures taken by States parties, including substantive trends and further modifications it has made in the procedure. A more detailed description of the procedure can be found in the Committee's previous annual report.[6]

[5] See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 44* (A/58/44), para. 12.

[6] Ibid., *Sixty-ninth Session, Supplement No. 44* (A/69/44), paras. 73-78.

47. In accordance with its rules of procedure, at its fifty-second session in May 2014 the Committee appointed a new Rapporteur for follow-up to concluding observations, Mr. Modvig.

48. Since May 2003, through the end of the fifty-fourth session in May 2015, the Committee has reviewed 175 reports from States parties for which it has identified follow-up recommendations. Of the 151 follow-up reports that were due by 15 May 2015, the time of the adoption of the present report, 108 had been received by the Committee, for a 71 per cent overall response rate. The status of the follow-up is compiled in a chart maintained on the web page of the Committee.[7] Additional information, including submissions by State parties, communications sent by the rapporteur for follow-up, State party responses and reports from national human rights institutions, NGOs and other civil society actors are posted on that web page.

49. As at 15 May 2015, the following States had not yet supplied follow-up information that had fallen due: Albania (forty-eighth session), Benin (thirty-ninth), Bolivia (Plurinational State of) (fiftieth), Burkina Faso (fifty-first), Cambodia (forty-fifth), Cameroon (forty-fourth), Chad (forty-second), Costa Rica (fortieth), Cuba (forty-eighth), Cyprus (fifty-second), the Democratic Republic of the Congo (thirty-fifth), Djibouti (forty-seventh), Ecuador (forty-fifth), El Salvador (forty-third), Ethiopia (forty-fifth), Gabon (forty-ninth), Ghana (forty-sixth), Guinea (fifty-second), Honduras (forty-second), Indonesia (fortieth), Kuwait (forty-sixth), Kyrgyzstan (fifty-first), Lithuania (fifty-second), Madagascar (forty-seventh), Mauritania (fiftieth), Mauritius (forty-sixth), Mongolia (forty-fifth), Montenegro (fifty-second), Mozambique (fifty-first), Nicaragua (forty-second), Peru (thirty-sixth), the Republic of Moldova (thirtieth), Rwanda (forty-eighth), Sierra Leone (fifty-second), South Africa (thirty-seventh), the Syrian Arab Republic (forty-eighth), Tajikistan (thirty-seventh), Thailand (fifty-second), Togo (thirty-sixth), Uganda (thirty-fourth), Uruguay (fifty-second), Yemen (forty-fourth) and Zambia (fortieth), and the Holy See (fifty-second).

50. The Rapporteur sends reminders requesting the outstanding information to each State party for which follow-up information is due, but not yet submitted. During the period under review, the Rapporteur sent reminders to Burkina Faso, Guatemala, Japan, Kenya, Kyrgyzstan, Latvia, Mauritania, Mozambique and the Plurinational State of Bolivia.[8]

51. Between 24 May 2014 and 15 May 2015, follow-up reports were received from 11 States parties, namely, in the order of receipt: the United Kingdom of Great Britain and Northern Ireland (CAT/C/GBR/CO/5/Add.1), Estonia (CAT/C/EST/CO/5/Add.1), Guatemala (CAT/C/GTM/CO/5-6/Add.1), the Netherlands (CAT/C/NLD/CO/5-6/Add.1), Kenya (CAT/C/KEN/CO/2/Add.1), Turkmenistan (CAT/C/TKM/CO/1/Add.2 and Add.3), Andorra (CAT/C/AND/CO/1/Add.1), Poland (CAT/C/POL/CO/5-6/Add.1), Belgium (CAT/C/BEL/CO/3/Add.1), Portugal (CAT/C/PRT/CO/5-6/Add.2) and Latvia (CAT/C/LVA/CO/3-5/Add.1).[9]

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[7] Ibid., para. 10 (a).

[8] In 2010, the Committee established a separate web page for follow-up (http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/FollowUp.aspx?Treaty=CAT&Lang=en). An overview of the follow-up procedure since 2003 can be found at the same web page.

[9] States parties that did not supply follow-up information prior to the submission of their next periodic report are not included in the list.

[10] Communications sent by the Rapporteur for follow-up to concluding observations are available from the web page for follow-up (http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/FollowUp.aspx?Treaty=CAT&Lang=en).

[11] Follow-up reports by State parties are available from the web page for follow-up.

52. The Rapporteur expresses appreciation for the information provided by these States parties regarding measures taken to implement their obligations under the Convention. He assesses the responses received as to whether all the items designated by the Committee for follow-up have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Where further information is needed, he writes to the State party concerned with specific requests for further clarification. Each letter responds specifically and in detail to the information presented by the State party.

53. The Rapporteur also expresses appreciation for the information submitted by national human rights institutions, human rights NGOs and civil society groups under the follow-up procedure. As at 15 May 2015, the Committee had received follow-up reports from such sources on the following State parties, in the order of receipt: Peru, the United Kingdom, the Netherlands, Kenya, Tajikistan and the United States of America.[17]

54. At the fifty-third and fifty-fourth sessions, the Rapporteur for follow-up to concluding observations submitted progress reports to the Committee on the procedure, as has been done at previous sessions. In November 2014, in his oral report to the Committee, the Rapporteur said that, in the light of the treaty body strengthening process and the Convention against Torture Initiative to ensure universal ratification within 10 years, it was incumbent upon the Committee to enhance the follow-up procedure. He also said that two overriding questions were how to strengthen compliance with the Convention and how to measure the extent of that compliance. In May 2015, he suggested that the follow-up procedure could be strengthened in several ways, such as by making the recommendations clearer and more implementable, inviting State parties to meet with the Committee on follow-up, using an assessment grading system to evaluate compliance, and using quantitative indicators to assist with the assessment of implementation. He also highlighted the role of civil society organizations in the follow-up procedure.

V. Activities of the Committee under article 20 of the Convention

A. General information

55. In accordance with article 20 (1), of the Convention, if the Committee receives reliable information that appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State party, the Committee shall invite that State party to cooperate in the examination of the information and, to that end, to submit observations with regard to the information concerned.

56. In accordance with rule 75 of the Committee's rules of procedure, the Secretary-General shall bring to the attention of the Committee information that is, or appears to be, submitted for the Committee's consideration under article 20 (1) of the Convention.

57. No information shall be received by the Committee if it concerns a State party that, in accordance with article 28 (1) of the Convention, declared at the time of ratification of or accession to the Convention that it did not recognize the competence of the Committee provided for in article 20, unless that State party has subsequently withdrawn its reservation in accordance with article 28 (2) of the Convention.

[17] These submissions are also available from the web page for follow-up.

58. The Committee's work under article 20 of the Convention continued during the period under review. In accordance with the provisions of article 20 and rules 78 and 79 of the Committee's rules of procedure, all documents and proceedings of the Committee relating to its functions under article 20 are confidential and all the meetings concerning its proceedings under that article are closed. However, in accordance with article 20 (5) of the Convention, the Committee may, after consultations with the State party concerned, decide to include a summary account of the results of the proceedings in its annual report to the States parties and to the General Assembly.

59. In the framework of the Committee's follow-up activities, the rapporteurs on article 20 continued to carry out activities aimed at encouraging States parties on which enquiries had been conducted and the results of such enquiries had been published, to take measures to implement the Committee's recommendations.

60. Further information on the inquiry procedure is available on the Committee against Torture web page.

B. Proceedings concerning the confidential inquiry on Lebanon

61. At its fifty-first session, the Committee adopted its report on Lebanon under article 20 of the Convention and, in accordance with paragraph 4 of the same article, decided to transmit the findings of the inquiry to the State party and invite it to inform the Committee, by 29 January 2014, of the measures taken with regard to those findings and in response to its recommendations. On 29 January 2014, the State party submitted its comments and observations on the Committee's report. In its communication, Lebanon indicated that it did not consent to the publication of the inquiry report.

62. On 22 May 2014, the Chair of the Committee met with the Permanent Representative of Lebanon to the United Nations Office at Geneva to discuss further the publication of the inquiry report along with the Government's comments and observations on the report. In view of the State party's reiterated opposition to the publication of the full report, the Committee decided, pursuant to article 20 (5) of the Convention, to include in its annual report to the General Assembly a summary account of the results of the proceedings.[11]

63. On 21 November 2014, Lebanon submitted its confidential replies to the report adopted by the Committee under article 20 of the Convention.

VI. Consideration of complaints under article 22 of the Convention

A. Introduction

64. Under article 22 of the Convention, individuals who claim to be victims of a violation by a State party of the provisions of the Convention may submit a complaint to the Committee against Torture for consideration, subject to the conditions laid down in that article. Sixty-six States parties to the Convention have declared that they recognize the competence of the Committee to receive and consider complaints under article 22 of the Convention.[12] No complaint may be considered by the Committee if it

[11] See *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 44* (A/69/44), annex XIII.

[12] See the United Nations Treaty Collection (https://treaties.un.org).

concerns a State party to the Convention that has not recognized the Committee's competence under article 22.

65. In accordance with rule 104, paragraph 1, of its rules of procedure, the Committee established the post of the Rapporteur on new complaints and interim measures, which is currently held by Satyabhoosun Gupt Domah.

66. Complaints under article 22 of the Convention are considered in closed meetings. All documents relating to the work of the Committee under article 22, that is, submissions from the parties and other working documents of the Committee, are confidential.

67. The Committee decides on a complaint in the light of all information made available to it by the parties. The findings of the Committee are communicated to the parties and are made available to the public. The text of the Committee's decisions declaring complaints inadmissible are also made public, without disclosing the identity of the complainant, but identifying the State party concerned.

B. Interim measures of protection

68. Complainants frequently request preventive protection, particularly in cases concerning imminent expulsion or extradition, where they allege a violation of article 3 of the Convention. Pursuant to rule 114, paragraph 1, of its rules of procedure, at any time after the receipt of a complaint, the Committee, through its Rapporteur on new complaints and interim measures, may transmit to the State party concerned a request that it take such interim measures as the Committee considers necessary to avoid irreparable damage to the victim(s) of the alleged violation(s). The State party shall be informed that such a request does not imply a determination of the admissibility or the merits of the complaint. During the reporting period, requests for interim measures of protection were received in 62 complaints, of which 48 were granted by the Rapporteur, who regularly monitors compliance with the Committee's requests for interim measures.

C. Progress of work

69. At the time of adoption of the present report the Committee had registered, since 1989, 679 complaints concerning 36 States parties.[15] Of those, 198 complaints had been discontinued and 68 had been declared inadmissible. The Committee had adopted final decisions on the merits on 265 complaints and found violations of the Convention in 101 of them. A total of 148 complaints were pending consideration. All of the Committee's decisions on merits, as well as those declaring a complaint inadmissible, can be found in the treaty body case law database (http://juris.ohchr.org/); at the OHCHR website, in the tables of jurisprudence (www.ohchr.org/EN/HRBodies/CAT/Pages/Jurisprudence.aspx) and under "Human rights bodies/Treaty body database" (www.ohchr.org); and from the Official Document System of the United Nations (http://documents.un.org).

70. At its fifty-third session, the Committee adopted decisions on the merits in respect of communications No. 321/2007, *Mopongo and others v. Morocco*; No. 450/2011, *Fadel v. Switzerland*; No. 458/2011, *X. v. Denmark*; No. 470/2011, *X. v. Switzerland*; No. 473/2011, *Khademi et al. v. Switzerland*; No. 482/2011, *R.S. et al. v. Switzerland*; No. 489/2012, *Tahmuresi v. Switzerland*; No. 492/2012, *Azizi v.*

[15] The complaints examined by the Committee in relation to the Federal Republic of Yugoslavia, as well as to Serbia and Montenegro, are attributed to Serbia for statistical purposes.

Switzerland; No. 495/2012, *N.Z. v. Kazakhstan*; No. 514/2012, *Niyonzima v. Burundi*; No. 519/2012, *T.M. v. Republic of Korea*; and No. 520/2012, *W.D.G. v. Canada*. The Committee found communication No. 511/2012, *Z. v. Australia*, inadmissible.

71. The Committee found that the forcible return of the complainants would constitute a violation by the States parties of article 3 of the Convention in its decisions in communications No. 321/2007, *Mopongo and others v. Morocco*; No. 450/2011, *Fadel v. Switzerland*; No. 470/2011, *X. v. Switzerland*; No. 473/2011, *Khademi et al. v. Switzerland*; No. 489/2012, *Tahmuresi v. Switzerland*; and No. 492/2012, *Azizi v. Switzerland*. The Committee found that the forcible return of the complainants would not constitute a violation by the States parties of article 3 of the Convention in its decisions on communications No. 458/2011, *X. v. Denmark*, No. 519/2012, *T.M. v. Republic of Korea*, and No. 520/2012, *W.D.G. v. Canada*.

72. In its decision on communication No. 482/2011, *R.S. et al. v. Switzerland*, the Committee also found that the forcible return of the complainants would not constitute a violation of article 3 of the Convention. The Committee, however, found a violation by the State party of article 22 of the Convention, because it did not comply with the Committee's request not to extradite one of the complainants while his complaint was being considered.

73. In its decision on communication No. 495/2012, *N.Z. v. Kazakhstan*, the Committee considered, for the first time, the moment at which State party declarations under article 22, accepting the Committee's competence to consider individual complaints, enter into force. Although the Convention specifies that the Convention enters into force for a State party 30 days after ratification, nothing is specified for the entry into force of a declaration under article 22. The Committee decided that any declaration made under article 22 after ratification of the Convention is immediately applicable and communications can be considered as of the date when such declaration is made. The Committee found no violation of any Convention rights in this communication.

74. In communication No. 514/2012, *Niyonzima v. Burundi*, the complainant was the former General Secretary of the People's Reconciliation Party. On 1 August 2006, he was arrested and taken to the National Intelligence Service, questioned and asked to admit his alleged part in preparing a coup d'état and a plan to assassinate the President. The complainant was severely tortured by intelligence officers with steel chains, iron bars and other instruments. He was left half unconscious and put in an overcrowded cell where he remained for a week. On 9 August 2006, he was charged with involvement in an attempted coup d'état, and transferred to a prison. Although in critical condition, he was not allowed to see a doctor until 1 September 2006. He was detained without legal basis for more than five months in appalling conditions. He was released on 16 January 2007, having been acquitted. The Committee found a violation of article 2 (1) of the Convention, read in conjunction with article 1, of articles 12, 13, 14, 15 and of article 16, read in conjunction with article 11, and urged Burundi to conduct an impartial investigation and to provide adequate and fair compensation to the complainant, including means for full rehabilitation.

75. In communication No. 511/2012, *Z. v. Australia*, the complainant argued that the State party had violated article 14 of the Convention by failing to provide her with an enforceable right to redress and compensation for the State-inflicted torture she endured in China. The Committee observed that in the specific circumstances of the case, the State party was unable to establish jurisdiction over officials of another State for alleged acts committed outside the State party's territory, and declared the communication inadmissible.

76. At its fifty-fourth session, the Committee adopted decisions on the merits in respect of 13 communications. The Committee found that the forcible return of the complainants would constitute a violation by the States parties of article 3 of the Convention in its decisions on communications No. 490/2012, *E.K.W. v. Finland*; No. 544/2013 *A.K. v. Switzerland*; No. 542/2013, *X. v. the Russian Federation*; and No. 538/2013, *Tursunov v. Kazakhstan*. In communications No. 542/2013 and No. 538/2013, the Committee also found violations of article 22 of the Convention owing to the States parties' failure to cooperate and to respect the Committee's requests for interim measures. The Committee found that the forcible return of the complainants would not constitute a violation by the States parties of article 3 of the Convention in its decisions on communications No. 476/2011, *E.C. v. Switzerland*; No. 440/2010, *G.A.B. v. Switzerland*; No. 468/2011, *Z. v. Switzerland*; No. 540/2013, *C.S. v. Switzerland*; No. 550/2013, *S.K. and others v. Sweden*; No. 491/2012, *E.E.E. v. Switzerland*; No. 539/2013, *A.B. v. Sweden*; and No. 556/2013, *Z. v. Sweden*.

77. In its decision on communication No. 456/2011, *Hernández Colmenarez and Guerrero Sánchez v. the Bolivarian Republic of Venezuela*, the Committee found that the disappearance of a prisoner who had been serving a sentence in the Venezuelan General Penitentiary constituted an enforced disappearance and an act of torture within the meaning of article 1 of the Convention. The relatives of the disappeared person had received information from other inmates that he had been murdered, dismembered and buried within the premises of the Penitentiary as a reprisal, because he had known about illegal activities conducted by a group of prisoners with the complicity of the National Guard commander. After the disappearance, the State authorities had claimed that the victim had escaped from prison. The Committee observed that the State authorities had not provided any information regarding what steps they had taken to establish the victim's whereabouts and that his remains had not been located and returned to his family; nor had it been determined whether the prison authorities and National Guard bore any responsibility in the matter. The Committee found that the Bolivarian Republic of Venezuela had not taken effective measures to prevent acts of torture in its jurisdiction, did not conduct prompt and impartial investigation into the torture allegations and did not provide redress for the harm caused. It also found that the enforced disappearance of the victim constituted ill-treatment under article 16 of the Convention in relation to the complainants.

78. The Committee found one communication, No. 606/2014, *A. v. Morocco*, admissible.

D. Follow-up activities

79. At its twenty-eighth session, in May 2002, the Committee against Torture established the function of the Rapporteur for follow-up to decisions on complaints submitted under article 22. At its 527th meeting, on 16 May 2002, the Committee decided that the Rapporteur should engage, inter alia, in the following activities: monitoring compliance with the Committee's decisions by sending notes verbales to States parties enquiring about measures adopted pursuant to the Committee's decisions; recommending to the Committee appropriate action upon the receipt of responses from States parties, in situations of non-response, and upon the receipt henceforth of all letters from complainants concerning non-implementation of the Committee's decisions; meeting with representatives of the permanent missions of States parties to encourage compliance and to determine whether advisory services or technical assistance by OHCHR would be appropriate or desirable; conducting, with the approval of the Committee, follow-up visits to States parties; and preparing periodic reports for the Committee on his or her activities.

80. During its fifty-third session the Committee reviewed submissions related to 14 cases that are currently being monitored through the Committee's follow up procedure. The Committee decided to close the follow-up dialogue with a note of satisfactory resolution with regard to five communications: No. 312/2007, *Eftekhary v. Norway*;[16] No. 322/2007, *Njamba and Balikosa v. Sweden*;[17] No. 416/2010, *Ke Chun Rong v. Australia*;[18] No. 481/2011, *K.N., F.W. and S.N. v. Switzerland*;[19] and Nos. 483/2011 and 485/2011, *X and Z v. Finland*.[20] In four of those cases the complainants had been granted residence permits by the authorities of the respective State party and in the fifth, where the Committee had found irregularities in the asylum procedure, the complainant received the opportunity to reapply for protection. The Committee reviewed the information received with regard to nine other cases and decided to keep the follow-up dialogue open.

81. During its fifty-fourth session the Committee reviewed submissions related to 14 cases that are currently being monitored through the Committee's follow-up procedure. The Committee decided to close the follow-up dialogue with a note of satisfactory resolution with regard to five communications: No. 473/2011, *Khademi et al. v. Switzerland*; No. 489/2012, *Tahmuresi v. Switzerland*; No. 492/2012, *Azizi v. Switzerland*; No. 450/2011, *Fadel v. Switzerland*; and No. 470/2011, *X v. Switzerland*.[21] In those cases the complainants had been granted residence permits by the authorities of the respective State party. The Committee reviewed the information received with regard to nine other cases and decided to keep the follow-up dialogue open.

82. At the time of the adoption of the present report the Committee had closed the follow-up dialogue with a note of satisfactory resolution with regard to 47 communications, out of a total of 101 communications where it had found violations of different provisions of the Convention.

VII. Future meetings of the Committee

83. Further to General Assembly resolution 68/268, the Committee will hold three regular sessions in 2016: the fifty-seventh (spring), the fifty-eighth (summer) and the fifty-ninth (autumn). The dates of those sessions have not yet been set; they will be decided in consultation with the Secretary-General, taking into account the calendar of conferences as approved by the General Assembly.

VIII. Additional meeting time from 2015

84. The Committee reiterated its appreciation for General Assembly resolution 68/268, pursuant to which the Committee will be provided with 5.6 additional weeks of meeting time, for a total of 11.6 weeks per year.

[16] Decision adopted on 25 November 2011.
[17] Decision adopted on 14 May 2010.
[18] Decision adopted on 5 November 2012.
[19] Decision adopted on 19 May 2014.
[20] Decision adopted on 12 May 2014.
[21] Decisions adopted at the fifty-third session of the Committee.

IX. Adoption of the annual report of the Committee on its activities

85. In accordance with article 24 of the Convention, the Committee shall submit an annual report on its activities to the States parties and to the General Assembly. Since the Committee holds its third regular session of each calendar year in November, which coincides with the regular sessions of the General Assembly, it adopts its annual report at the end of its spring session, for transmission to the General Assembly during the same calendar year. Accordingly, at its 1326th meeting, held on 15 May 2015 (see CAT/C/SR.1326), the Committee considered and unanimously adopted the report on its activities at the fifty-third and fifty-fourth sessions.

Annex

Membership, officers and mandates as at 15 May 2015

Name of member	*Country of nationality*	*Term expires on 31 December*
Essadia Belmir (Vice-Chair)	Morocco	2017
Alessio Bruni (Rapporteur on reprisals under articles 20 and 22)	Italy	2017
Satyabhooshun Gupt Domah (Rapporteur) (Rapporteur on new complaints and interim measures, and on follow-up on decisions adopted under article 22)	Mauritius	2015
Felice Gaer (Vice-Chair)	United States of America	2015
Abdoulaye Gaye	Senegal	2015
Claudio Grossman (Chair)	Chile	2015
Jens Modvig (Rapporteur on follow-up to article 19)	Denmark	2017
Sapana Pradhan-Malla	Nepal	2017
George Tugushi (Vice-Chair) (Rapporteur on reprisals under article 19)	Georgia	2015
Kening Zhang	China	2017

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